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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**

8 HAROLD LITWIN, Derivatively on behalf of  
9 T-MOBILE US, INC.,

10 Plaintiff,

11 vs.

12 G. MICHAEL SIEVERT, TIMOTHEUS  
13 HÖTTGES, MARCELO CLAURE,  
14 SRIKANT M. DATAR, CHRISTIAN P.  
15 ILLEK, RAPHAEL KÜBLER, LETITIA A.  
16 LONG, THORSTEN LANGHEIM,  
DOMINIQUE LEROY, TERESA A.  
TAYLOR, OMAR TAZI, KELVIN R.  
WESTBROOK, MICHAEL WILKENS, and  
BAVAN M. HOLLOWAY,

17 Defendants,

18 -and-

19 T-MOBILE US, INC.,

20 Nominal Defendant.  
21

CASE NO. 2:21-cv-1599-RAJ-BAT

**STIPULATION AND ORDER FOR  
VOLUNTARY DISMISSAL  
PURSUANT TO FED. R. CIV. P. 41(a)  
AND 23.1(c) WITHOUT PREJUDICE**

22 Pursuant to Fed. R. Civ. P. 41(a) and 23.1(c), Plaintiff Harold Litwin (“Plaintiff”),  
23 Nominal Defendant T-Mobile US, Inc. (“T-Mobile”), and Defendants G. Michael Sievert,  
24 Timotheus Höttges, Marcelo Claure, Srikant M. Datar, Christian P. Illek, Raphael Kübler, Letitia  
25

26 STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL - 1  
27 CASE NO. 2:21-CV-1599-RAJ-BAT

**WEISS LAW LLP**  
305 Broadway, 7th Floor  
New York, New York 10007  
Telephone: (212) 682-3025  
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28

1 A. Long, Thorsten Langheim, Dominique Leroy, Teresa A. Taylor, Omar Tazi, Kelvin R.  
2 Westbrook, Michael Wilkens, and Bavan M. Holloway (collectively with T-Mobile, the  
3 “Defendants” and with Plaintiff, the “Parties”) hereby stipulate and agree that the above-  
4 captioned action be voluntarily dismissed without prejudice. The Parties state the following in  
5 support of dismissal:

6 WHEREAS, on November 29, 2021, Plaintiff commenced this shareholder derivative  
7 action (the “Action”) on behalf of T-Mobile (ECF No. 1) alleging violations of Section 14(a) of  
8 the Securities Exchange Act of 1934, breach of fiduciary duty, aiding and abetting, and waste of  
9 corporate assets;

10  
11 WHEREAS, on February 22, 2022, the Court entered the Order Extending Defendants’  
12 Time to Respond to the Complaint (ECF No. 34);

13 WHEREAS, on March 11, 2022, the Court entered the Order Amending the Scheduling  
14 Order extending the time for Defendants to respond to the Complaint (ECF No. 36);

15  
16 WHEREAS, Defendants have neither answered the Complaint nor moved to dismiss or  
17 for summary judgment;

18 WHEREAS, the Parties met and conferred on March 29, 2022 regarding Defendants’  
19 intended filing of a motion to dismiss predicated upon, among other things, the failure to  
20 properly plead the Plaintiff’s standing. In furtherance of the meet and confer, Plaintiff’s counsel  
21 represented to Defendants’ counsel that Plaintiff’s counsel substantiated Plaintiff’s holding of T-  
22 Mobile stock prior to the filing of the complaint herein, but learned that, after filing of the  
23 complaint, Plaintiff sold his T-Mobile stock;  
24  
25

WHEREAS, due to a lack of standing, Plaintiff now wishes to dismiss the Action in its entirety without prejudice;

WHEREAS, there is no need to notify T-Mobile shareholders of the voluntary dismissal because: (i) there has been no settlement or compromise of this Action; (ii) there has been no collusion among the Parties; (iii) no payment has been made or will be paid to any party or their counsel in connection with the voluntary dismissal; (iv) the voluntary dismissal is made without prejudice and therefore will not have any preclusive effect on any other T-Mobile shareholder; (v) Defendants will not suffer any prejudice as they do not oppose this voluntary dismissal; and

IT IS HEREBY STIPULATED AND AGREED by the Parties hereto, through their undersigned counsel, subject to approval of the Court, as follows:

1. This Action is dismissed without prejudice; and
2. The Parties shall bear their own costs and fees.

Dated this 4th day of April, 2022.

YANICK LAW & DISPUTE  
RESOLUTION PLLC

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& SUTCLIFFE LLP

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By: s/Aravind Swaminathan

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STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL - 3  
Case No. 2:21-cv-1599-RAJ-BAT

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*Attorneys for Defendants and Nominal Defendant*

**ORDER**

IT IS SO ORDERED.

DATED this 4th day of April, 2022.



Richard A. Jones

United States District Court Judge

STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL - 4

Case No. 2:21-cv-1599-RAJ-BAT

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